

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801-1621
(302) 888-6800
Facsimile (302) 571-1751
www.morrisjames.com

Richard K. Herrmann
(302) 888-6816
rherrmann@morrisjames.com

Mailing Address
P.O. Box 2306
Wilmington, DE 19899-2306

February 9, 2006

VIA ELECTRONIC FILING

The Honorable Joseph J. Farnan, Jr.
United States District Court
District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Affymetrix, Inc. v. Illumina, Inc.*, D. Del., C.A. No. 04-901-JJF

Your Honor:

I write to respond to the February 6 letter from Affymetrix' counsel seeking to delay the Markman briefing and hearing schedule set by the Court.

First, it is necessary to correct a misstatement in Affymetrix' letter. It is not true that Affymetrix "conferred with Illumina on this issue, but Illumina has not agreed to move the date for the Markman hearing." Affymetrix only asked whether Illumina would agree to move the Markman hearing back two months to mid-May, without any change to the overall schedule or trial date. Illumina said it could not agree to this request, but inquired whether there was a specific conflict, and/or more modest extension, that Affymetrix might propose. Affymetrix did not respond to Illumina's inquiry, and instead filed its letter with the Court.

As for Affymetrix' proposal in its letter, this proposal is not workable for Illumina. Counsel for Illumina has preexisting commitments in both late March and early April and cannot conduct the Markman hearing at that time. Moreover, pushing the Markman hearing back that far would greatly complicate the process of completing expert reports in April, and also threaten the ability of the Court to issue its Markman ruling in time for summary judgment briefing. A further extension of the Markman briefing and hearing into the middle of April would require extensions to other scheduled deadlines, including expert reports and deposition, and the summary judgment deadline.

In the spirit of cooperation, Illumina would be agreeable to moving the Markman hearing back by at most a week or two -- to a date convenient for the Court during the weeks of March 13 or 20 -- to try to alleviate Affymetrix' staffing issues. Illumina believes such an extension

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should address the issues raised in Affymetrix' letter without resulting in undue prejudice to Illumina.

Respectfully,

/s/ Richard K. Herrmann

Richard K. Herrmann, I.D. No. 405
rherrmann@morrisjames.com

cc: Dr. Peter T. Dalleo, Clerk of the Court (via electronic filing)
MaryEllen Noreika, Esq. (via electronic filing)
Michael J. Malecek, Esq. (via email)